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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,093	10/04/2000	Shridhar P. Joshi	47079-00064	1828

30223 7590 07/18/2003
JENKENS & GILCHRIST, P.C.
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EXAMINER

CAPRON, AARON J

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 07/18/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)
	09/679,093	JOSHI, SHRIDHAR P.
	Examiner	Art Unit
	Aaron J. Capron	3714

All participants (applicant, applicant's representative, PTO personnel):

(1) Aaron J. Capron, Mark Sager.

(3) Shridhar Joshi.

(2) Michael White.

(4) Michael Blankstein.

Date of Interview: 17 July 2003.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____.

Claim(s) discussed: 26,29-36,39,46-53 and 94-99.

Identification of prior art discussed: Acres.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner maintained the rejection, but stated that he would reconsider based upon the comments received. The Applicant argued that Acres does not teach modifying appearance in association with a holiday.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


7/17/03
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



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Fax

To:	Aaron Capron	From:	Mike White
Fax:	703-746-8301	Pages:	3 , including cover
Phone:	703-305-3520	Date:	7/8/2003
Re:	App. No. 09/679,093	CC:	

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:**

Mr. Capron,

I have on my case docket another application with a final action for which I would like to request an interview. Application No. 09/679,093 is the parent application for the divisional application we recently discussed. The following transmittal is a reply summary to the final office action dated 5/7/2003 and is to be used only for the purpose of requesting an interview to discuss the final office action.

Please feel free to call me at 773-961-1267 if you have any questions or to schedule an interview time that is convenient for you.

Sincerely,

Michael White

THE INFORMATION CONTAINED HEREIN IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT DESIGNATED ABOVE AND MAY CONTAIN A CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION OR MAY OTHERWISE BE PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS FACSIMILE IS NOT THE INTENDED RECIPIENT OR THE AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS FACSIMILE IN ERROR. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THE UNDERSIGNED AND RETURN THE ORIGINAL FACSIMILE TO US AT THE ABOVE ADDRESS, VIA FIRST-CLASS MAIL. WE WILL GLADLY REIMBURSE ANY TELEPHONE AND POSTAGE EXPENSES YOU INCUR BY DOING SO. THANK YOU.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:)	Atty. Docket No. 47079-00064
Shridhar P. Joshi)	Examiner: Aaron J. Capron
Application No.: 09/679,093)	
Filed: October 4, 2000)	Group Art Unit: 3714
For: Gaming Machine With Visual And Audio Indicia Changed Over Time)	

SUMMARY OF PROPOSED AMENDMENT

Claim Rejections – 35 U.S.C. § 102

Claims 26, 29-36, 39, 46-53, and 94-98 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,254,483 to Acres (“Acres”). The Office Action states that Acres discloses, “*automatically . . . displaying the modified game appearance, the artwork being associated with the holiday (2:46-2:52).*” (Office Action, page 2). In fact, however, Acres does not teach modifying the game appearance in association with a holiday. The reference cited by the office action simply states that the *wager per unit time can be altered in association with a holiday.* Acres is silent with respect to changing the game appearance in conjunction with a holiday or a societal event.

The Office Action goes on to state that for claim 53, “*Acres teaches a game machine programmed to alter game display for a timed or calendar events such as holidays (FIG. 5).*” In fact, however, it is not the game display that is being changed in association with the holiday but in fact the wager per unit time that is being altered. As it states in the specification, “*FIG. 5 is a exemplary time line for a one year period that shows changes in the player cost per unit time in response to the day of the year.*” (Acres, column 3, line 52-54).

Finally the Office Action states, “*Acres also refers to changing other parameters, such as appearance, based on the holiday events (abstract; 3:18-20; 8:49-65, esp. 8:62-65).*” The Acres abstract, as well 8:49-65, is silent with respect to changing the game appearance in association with a holiday. Acres’ vague statements that, “*multiple configuration parameters may be monitored and multiple configuration parameters may be changed in response to the*

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monitored variables" certainly does not rise to the level that suggests that the gaming machine theme is changed in association with holidays or other societal events. Holidays are discussed at length within Acres, and yet are strictly confined and limited to describing changing the wager per unit time for those calendar events. It is clear that Acres does not anticipate the present invention.

Consequently, claims 30, 34, 35, 36, 46, 52, 53, 96, include a limitation not contained in the Acres reference and Applicant maintains that these claims are novel and non-obvious over Acres. Not only is Acres missing a fundamental element required for the present invention, but it is also lacking any suggestion or motivation to include this missing element.